

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

LEWIS B. KIZER,

Plaintiff,

v.

PROGRESSIVE CASUALTY INSURANCE  
COMPANY,

Defendant.

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Civil No. 3:06-1109  
Judge Trauger

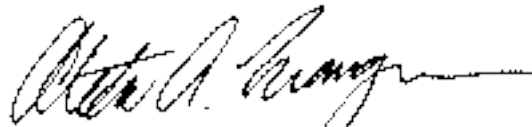
**ORDER**

A telephone conference was held with counsel for both parties on February 6, 2008. As a result of those discussions, it is hereby **ORDERED** that the Plaintiff's Motion For Order of Reference (Docket No. 55) and the plaintiff's Motion to Strike Defendant's Motion For Summary Judgment (Docket No. 54) are **DENIED**. It is hereby **ORDERED** that the defendant shall file the concise statement of facts required by Local Rule 56.01(b) by February 7, 2008. The plaintiff shall respond to the defendant's Motion for Summary Judgment (Docket No. 53) by February 28, 2008, and the defendant may reply by March 10, 2008.

It is further **ORDERED** that the jury trial scheduled for April 1, 2008 and the pretrial conference scheduled for March 28, 2008 are **CONTINUED**, to be reset, if appropriate, following a decision on this dispositive motion.

It is so **ORDERED**.

ENTER this 6<sup>th</sup> day of February 2008.

  
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ALETA A. TRAUGER  
U.S. District Judge